

b) Remarks

The claims are 1-5, with each of claims 1-5 being independent.

Claims 1-5 were provisionally rejected as an obviousness-type double patenting of claims 2-8 of Application No. 10/525,622. The Examiner notes that the co-pending application recites the presence of Group ( $X_3$ ), whereas the pending application recites the Group  $X_3$ -N -Y<sub>3</sub> Y<sub>4</sub>. The Examiner notes the co-pending application provides that  $X_3$  can be aryl. The Examiner also notes "aryl" can include groups with amino substituents.

Without necessarily agreeing or disagreeing, and solely to expedite prosecution, applicants have amended the claims of co-pending Application No. 10/525,622 to exclude the amino group as a substituent of the aryl group for  $X_3$ . Accordingly, there is no overlap of the claims of the respective applications.

Accordingly, since no other grounds for objection are present it is respectfully requested that the claims be allowed and the case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Peter Saxon/  
Peter Saxon  
Attorney for Applicants  
Registration No. 24,947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCIS\_WS 1605454v1